

**Bold and single underline** = new language since preliminary adoption

**~~Bold strikeout and single underline~~** = language that is being stricken since preliminary adoption

## **TITLE 326 AIR POLLUTION CONTROL BOARD**

### **PROPOSED RULE AS PRELIMINARILY ADOPTED WITH IDEM'S SUGGESTED CHANGES INCORPORATED LSA Document #98-115**

#### **DIGEST**

Adds 326 IAC 11-6 to establish emission limits for hospital/medical/infectious waste incinerators whose primary purpose is the combustion of hospital waste or medical/infectious waste, or both, for which construction was commenced on or before June 20, 1996. Effective 30 days after filing with the secretary of state.

#### **HISTORY**

First Notice of Comment Period: September 1, 1997, Indiana Register (20 IR 3499).

Second Notice of Comment Period and Notice of First Hearing: February 1, 1997, Indiana Register (21 IR 1870).

First Public Hearing: May 6, 1998.

Preliminary Adoption: May 6, 1998.

Proposed Rule, third Notice of Comment Period and Notice of Public Hearing: June 1, 1998, (21 IR 3472).

Second Public Hearing: September 2, 1998.

#### **326 IAC 11-6**

SECTION 1. 326 IAC 11-6 IS ADDED TO READ AS FOLLOWS:

##### **Rule 6. Hospital/Medical/Infectious Waste Incinerators**

##### **326 IAC 11-6-1 Applicability**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

**Sec. 1. (a) Except as provided in subsections (b) and (c), this rule applies to each hospital/medical/infectious waste incinerator for which construction was commenced on or before June 20, 1996, hereafter referred to as "designated facility".**

**(b) The following are exempt from this rule:**

**(1) Any combustor during periods when only pathological waste, low-level radioactive waste, or chemotherapeutic waste, or any combination of these wastes, is burned, regardless of whether the waste meets the definition of hospital waste or medical/infectious waste, provided the owner or operator of the combustor does the following:**

**(A) Notifies the department and U.S. EPA of an exemption claim.**

**(B) Maintains records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, or chemotherapeutic waste, or any combination of these wastes, is burned.**

**(2) Any co-fired combustor if the owner or operator of the co-fired combustor does the following:**

**(A) Notifies the department and U.S. EPA of an exemption claim.**

**(B) Provides the department and U.S. EPA with an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels or wastes to be combusted.**

**(C) Maintains records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.**

**(3) Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act (42 U.S.C. 6925)\*.**

**(4) Any combustor that meets the applicability requirements under 40 CFR 60, Subpart Cb, Ea, or Eb\* (standards or guidelines for certain municipal waste combustors).**

**(5) Any pyrolysis unit.**

**(6) Cement kilns firing hospital waste or medical/infectious waste, or any combination of these wastes.**

**(c) Physical or operational changes made to an existing hospital/medical/infectious waste incinerator solely for the purpose of complying with emission limits under this rule are not considered a modifications and do not result in an existing hospital/medical/infectious waste incinerator becoming subject to 40 CFR 60, Subpart Ec, 60 FR 48348 (September 15, 1997)\*.**

**(d) The provisions in 40 CFR Part 60.24(f) shall not apply to designated facilities.**

**\*Copies of the Solid Waste Disposal Act, Code of Federal Regulation (CFR), and Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana**

**Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 11-6-1*)

### **326 IAC 11-6-2 Definitions**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

**Sec. 2. Terms used in this rule have the meaning that is given in the definition sections of 40 CFR 60, Subpart Ce, Section 60.31e and Subpart Ec, Section 60.51c, 60 FR 48348, (September 15, 1997)\*, and, if not defined in Subparts Ce and Ec, have the meaning defined in the Clean Air Act and 40 CFR 60, Subparts A and B.\*.**

**\*Copies of the Federal Register (FR) and Code of Federal Regulations (CFR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 11-6-2*)

### **326 IAC 11-6-3 Permits**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

**Sec. 3. Designated facilities shall submit an application for a Part 70 permit, in accordance with 326 IAC 2-7-4, shall be submitted to the department no later than the earlier of the following:**

**(a) one (1) year from the effective date of this rule; or**

**(b) September 15, 2000.** (*Air Pollution Control Board; 326 IAC 11-6-3*)

### **326 IAC 11-6-4 Emission limits**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

**Sec. 4. The designated facility shall not exceed the emission limits specified in 40 CFR 60, Subpart Ce, Section 60.33e(a) and Subpart Ec, Section 60.52c(b), 60 FR 48348 (September 15, 1997)\*. In addition, the emission limit for cadmium for large sources is sixteen-hundredths (0.16) milligrams per dry standard cubic meter (seven-hundredths (0.07) grains per one thousand (1000) dry standard cubic feet) or sixty-five percent (65%)**

reduction.

**\*Copies of the Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 11-6-4)**

**326 IAC 11-6-5 Operator training and qualification requirements**

**Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11**

**Affected: IC 13-15; IC 13-17**

**Sec. 5. (a) The owner or operator of a designated facility shall comply with the operator training requirements specified in 40 CFR 60, Subpart Ec, Section 60.53c, 60 FR 48348 (September 15, 1997)\*.**

**(b) Compliance with operator training and qualification requirements shall be achieved within one (1) year after the effective date of this rule.**

**\*Copies of the Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 11-6-5)**

**326 IAC 11-6-6 Waste management plans**

**Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11**

**Affected: IC 13-15; IC 13-17**

**Sec. 6. (a) The owner or operator of a designated facility shall prepare a waste management plan as specified in 40 CFR 60, Subpart Ec, Section 60.55c, 60 FR 48348 (September 15, 1997)\*.**

**(b) The waste management plan shall be submitted to the department by the date specified in 40 CFR 60, Subpart Ec, Section 60.58c(c), 60 FR 48348 (September 15, 1997)\*.**

**\*Copies of the Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management,**

**Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 11-6-6*)

**326 IAC 11-6-7 Compliance, performance testing, and monitoring**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

**Sec. 7. (a) ~~Compliance with the emission limits contained in section 4 of this rule shall be determined by the requirements for compliance and performance testing specified in Performance tests shall be conducted and compliance shall be determined in accordance with the test methods and procedures found in 40 CFR 60, Subpart Ec, Section 60.56c, excluding the fugitive emissions testing requirements under Section 60.56c(b)(12) and 60.56c(c)(3), 60 FR 48348 (September 15, 1997)\*.~~**

**(b) The performance testing shall be conducted in accordance with also meet the requirements of 326 IAC 3-6, concerning source sampling procedures, including the submittal of a test protocol no later than thirty-five (35) days prior to the intended test date. The test methods in 40 CFR 60, Subpart Ec, Section 60.56c shall not be modified unless approved by the EPA Administrator..**

**(c) The owner or operator of a designated facility shall comply with the monitoring requirements specified in 40 CFR 60, Subpart Ec, Section 60.57c, 60 FR 48348 (September 15, 1997)\*.**

**\*Copies of the Federal Register (FR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204.** (*Air Pollution Control Board; 326 IAC 11-6-7*)

**326 IAC 11-6-8 Reporting and record keeping requirements**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

**Sec. 8. (a) The owner or operator of a designated facility shall comply with the reporting and record keeping requirements listed in 40 CFR 60, Subpart Ec, Section 60.58c(b) through 60.58c(f), except for Section 60.58c(b)(2)(ii) (fugitive emissions) and 60.58c(b)(7) (siting), 60 FR 48348 (September 15, 1997)\*.**

**(b) The owner or operator of a designated facility shall comply with information**

requests made by the department in order to develop the emissions inventory to be included in the state plan required by 40 CFR 60, Subpart B, Section 60.25(a)\*. The owner or operator shall submit the information requested shall be submitted to the department within sixty (60) days from of receipt of request.

\*Copies of the Federal Register (FR) and Code of Federal Regulation (CFR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-6-8*)

**326 IAC 11-6-9 Compliance schedule**

**Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11**

**Affected: IC 13-15; IC 13-17**

**Sec. 9. (a)** Except as provided in subsections (b) and (d), each designated facility shall be in compliance with all provisions of this rule no later than the earlier of the following:

(1) one (1) year from the effective date of this rule; or

(2) (but not later than September 15, 2000);

regardless of whether the designated facility is identified in the state plan inventory required by 40 CFR 60, Subpart B, Section 60.25(a)\*.

(b) The owner or operator of a designated facility planning to install the necessary air pollution control equipment shall be in compliance with all provisions of this rule no later than March 31, 2002, provided that the designated facility complies with the measurable and enforceable incremental steps of progress in this subsection. The owner or operator of the designated facility shall do the following:

(1) Submit a final control plan to the department no later than June 30, 1999.

(2) Award contracts for emission control systems or for process modifications, or issuance of orders for the purchase of component parts to accomplish emission control or process modifications no later than March 31, 2000.

(3) Initiate on-site construction or installation of emission control equipment or process change no later than March 31, 2001.

(4) Complete on-site construction or installation of emission control equipment or process change no later than September 30, 2001.

(5) Be in final compliance no later than March 31, 2002.

(c) The owner or operator shall notify the department within thirty (30) days of the applicable date in subsection (b) if an incremental step of progress is not completed by that date. Notifying the department under this subsection does not preclude an enforcement action for failure to meet the compliance dates in subsection (b).

(d) The owner or operator of a designated facility may petition the department to establish an alternative compliance schedule for closure of the incinerator for reasons including, but not limited to, installation of alternative waste disposal technologies. The compliance schedule shall have allow a final compliance date no later than March 31, 2002. The designated facility requesting an extension shall submit the following information to the department within eight (8) months from the effective date of this rule:

- (1) Documentation of the analyses undertaken to support the need for an extension, including an explanation of why additional time is necessary. The documentation shall include an evaluation of the option to transport the waste off-site to a commercial medical waste treatment and disposal facility on a temporary or permanent basis.
- (2) A detailed compliance plan including documentation of measurable and enforceable incremental steps of progress to be taken towards compliance with this rule.

(e) The department shall grant or deny the petition for extension stating reasons for granting or denying in a written response to the facility within one hundred twenty (120) days of receipt of a complete petition containing the information required in subsection (d).

(f) An owner or operator of a designated facility that follows the compliance schedule under subsection (b) or receives an extension under subsection (d) shall be in compliance with the operator training and qualification requirements of section 5(a) of this rule within one (1) year after the effective date of this rule.

\*Copies of the Code of Federal Regulations (CFR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 11-6-9*)